

the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance.

- (8) Any improvement to a structure where the Coastal Development Permit issued for the original structure indicated that any future improvements would require a *development permit*.
 - (9) A companion unit as described in Section 141.0302.
- (b) Repair or maintenance activities are exempt except if the repairs or maintenance involve any of the following:
- (1) Repair or maintenance of a seawall, revetment, bluff *retaining wall*, breakwater, groin, culvert, outfall, or similar shoreline work that involves substantial alteration to the foundation of the protective work including pilings and other surface or subsurface structures; the placement, whether temporary or permanent, of riprap, artificial berms of sand or other beach materials, or any other forms of solid materials on a beach or in coastal waters, streams, *wetlands*, estuaries or on a shoreline protective work, unless destroyed by a natural disaster; the replacement of 20 percent or more of the materials of an existing *structure* with materials of a different kind; the placement, whether temporary or permanent, of mechanized construction equipment on any sand area, *coastal bluff*, or within 20 feet of coastal waters or streams, except that the use of such equipment solely for routine beach and park maintenance shall not require a Coastal Development Permit.
 - (2) Any repair or maintenance to facilities or *structures* or any work located within a *wetland*, any sandy beach area, within 50 feet of a *coastal bluff edge* or *wetland*, or within 20 feet of any coastal waters or streams that include; the placement or removal, whether temporary or permanent, of riprap, rocks, sand or other beach materials or any other forms of solid materials or the presence, whether temporary or permanent, of mechanized equipment or construction materials.
- (c) Any *coastal development* that has been categorically excluded pursuant to Categorical Exclusion Order No. (Editor's note: a number will be inserted if and when a Categorical Exclusion Order is issued by the California Coastal Commission.)
- (d) A *temporary event* which does not meet all of the following criteria:

- (1) The event is held between Memorial Day weekend and Labor Day; and,
- (2) The event will occupy all or a portion of a sandy beach or public parking area; and
- (3) The event involves a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees).

However, a *temporary event* which does not meet all of the criteria in Sections 126.0704(d)(1)-(3) may require a Coastal Development Permit if the City Manager determines the event has the potential to adversely affect public access to the shoreline and/or *environmentally sensitive lands*, and the event involves any of the following circumstances:

- (4) The event and its associated activities or access requirements will either directly or indirectly impact *environmentally sensitive lands*;
 - (5) The event is scheduled between Memorial Day weekend and Labor Day and would restrict or close to the public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters;
 - (6) The event has historically required a Coastal Development Permit to address and monitor associated impacts to coastal resources.
- (e) *Public utility* installation of new or increased service to *development* approved or exempted in the Municipal Code, and *public utility* repair or maintenance as exempted under the Coastal Commission's Interpretive Guidelines on Exclusions from Permit Requirements filed with the City Clerk as Document No. OO-17067-2.
- (f) Any action necessary to abate a *public nuisance* as provided under California Public Resources Code Section 30005(b).
- (g) Agricultural *grading* on land that has been cultivated within the previous 10 years.
- (h) The replacement of any *structure* destroyed by a disaster, except a public works facility. The replacement *structure* shall comply with the applicable zone, shall be for the same use as the destroyed *structure*, shall not exceed the

floor area ratio, height, or bulk of the destroyed *structure* by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed *structure*.

- (i) Any improvement to a *single dwelling unit* that constitutes part of a “single-family residential building” as defined in California Administrative Code, Title 14, section 13250(a) and that does not require a coastal development permit pursuant to California Administrative Code, Title 24, section 13250(b).
(Amended 7-14-2003 by O-19197 N.S.)

§126.0705 How to Apply for a Coastal Development Permit

An *applicant* shall file an application for a City-issued Coastal Development Permit in accordance with Section 112.0102. The application shall include the required submittal materials and any other information that in the opinion of the City Manager is necessary to adequately review the proposed *coastal development*. If the site is located within the watershed of Los Penasquitos Lagoon and would involve *grading* or construction of impervious surfaces, a computation of the required Los Penasquitos Lagoon Restoration and Enhancement Fee as set forth in Section 126.0720 shall be included with the application.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§126.0706 Determination of Appellate Jurisdiction

The City Manager shall determine whether the proposed *coastal development* lies within the *appealable area* at the time the application for the Coastal Development Permit is submitted to the City. The City Manager’s determination may be reviewed by the Executive Director of the Coastal Commission in accordance with Coastal Commission regulations.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§126.0707 Decision Process for a Coastal Development Permit

- (a) A decision on an application for a City-issued Coastal Development Permit in the *non-appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Two. The decision may be appealed to the Planning Commission in accordance with Section 112.0504.

- (b) A decision on an application for a City-issued Coastal Development Permit in the *appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Three. The decision may be appealed to the Planning Commission in accordance with Section 112.0506.
- (c) Conditions may be imposed by the decision maker when approving a Coastal Development Permit to carry out the purpose and the requirements of this division. The conditions may include a provision for public access, open space, or conservation easements or the relocation or redesign of proposed site improvements. In any *subdivision* or other land division, such conditions shall be imposed at the time of the *subdivision* or other land division, rather than through subsequent development permits. When conditions pertaining to public access, open space, or conservation easements are imposed, the City Manager shall notify the Executive Director of the Coastal Commission as set forth in Section 126.0719.
- (d) When more than one permit, map or other approval is required for a single *development*, the applications shall be consolidated and the action of the decision maker shall be considered one consolidated action. In the Coastal Overlay Zone, the *findings* for each approval shall be consolidated and shall constitute the *findings* of the Coastal Development Permit. For decisions involving *coastal development* within the *appealable area*, the entire consolidated decision is appealable to the Coastal Commission.
- (e) Any *coastal development* involving a *subdivision* pursuant to the Subdivision Map Act and any other division of land requires a Coastal Development Permit. The land division shall be processed as part of the Coastal Development Permit in accordance with the Subdivision Regulations (Chapter 14, Article 4) and Subdivision Procedures (Chapter 12, Article 5). Any tentative map, lot line adjustment, merger, public right-of-way vacation or public easement abandonment may be approved or conditionally approved only if the decision maker makes the *findings* pursuant to Section 126.0708.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

§126.0708 Findings for Coastal Development Permit Approval

An application for a Coastal Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0708(a) and the supplemental *findings* in Section 126.0708(b) that are applicable to the proposed *development*.